

REMARKS/ARGUMENTS

Claims 17-21 are pending. Reconsideration based on the following arguments is respectfully requested.

The outstanding Office Action rejects Claims 17-21 under 35 U.S.C. § 112, second paragraph. This rejection is respectfully traversed.

In particular, a construction machine that is “vacant” is not rented. A construction machine in “course of operation” is a construction machine currently operable and available for rent. A construction machine which is “out of operation” is a construction machine under repairs or other condition that prevents use, such as scheduled maintenance. Withdrawal of this rejection is respectfully requested.

The Office Action rejects Claims 17-21 under 35 U.S.C. § 102(b) over U.S.P. 5,754,850 to Janssen and Claims 17-21 under 35 U.S.C. § 103(a) over Janssen in view of United Rentals Inc. These rejections are respectfully traversed.

Before considering the rejections, it is believed that a brief review of the subject matter of independent Claim 17 would be helpful. In this regard, independent Claim 17 includes a system for renting a construction machine including a first network terminal configured to enable a provider to input and update a piece of basic information related to a specification, a rental situation and a location of a construction machine for rent, a second network terminal configured to enable a person seeking a rental service to input another piece of basic information related to a specification of a construction machine of his choice, rental period information including a rental period of his choice, and a rental place of his choice, in such a manner that the input includes an option to identify a preferred option of one of the specification, the rental period and a rental place, a network server including means for holding the piece of basic information, a rental situation and a location of a construction machine for rent, means for searching for information related to a rentable construction

machine on the basis of the piece of basic information related to the specification, the rental situation and the location, as input from the first network terminal and held by the network server, means for providing the second network terminal with the information related to the construction machine for rent as the searched result displaying information related to the rental situation of the construction machine for rent, the rental situation including whether the construction machine is rented, vacant, under course of negotiations and under course of or out of operation during a period corresponding to the rental period inputted through the second network terminal and means for searching and carrying out an equivocal search.

Turning to the rejection of Claims 17-21 under 35 U.S.C. § 102(b) over Janssen, the Office Action asserts that the kind of data being claimed, i.e., whether the construction machine is rented, vacant, under course of negotiations and under course of or out of operation at least during a period corresponding to the rental period inputted through the second network terminal is not positively recited in the claims because it is directed to the intended use of the system. This assertion is respectfully traversed.

Claim 17 recites means for providing the second network terminal with the information related to the construction machine for rent as the searched result displaying information related to the rental situation of the construction machine for rent. For example, Figure 5 displays a calendar which shows operating situations of various types of machines for a period three months before and after a rental period a person seeks a rental service for. Thus, the recitation discussed above from Claim 17 is a structural limitation regarding how the computer memory is configured to hold information descriptive of a rental situation of a construction machine for rent.

The Office Action asserts that nevertheless Janssen discloses this type of data. This assertion is respectfully traversed. No information for a lawyer, an apartment, a loan, etc., relates to whether any of these objects are under course of negotiations and under course of or

out of operation. Thus, the fact that the data relates to construction machines is relevant because the data variables are not disclosed in Janssen.

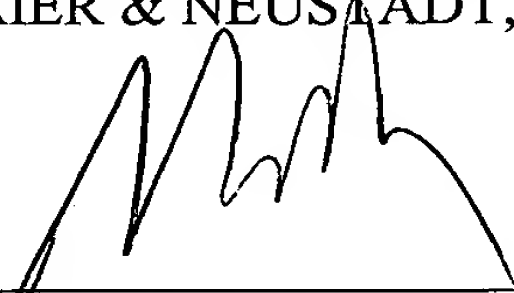
With respect to the rejection under 35 U.S.C. § 103(a), United Rentals does not provide the deficiencies of Janssen. United Rentals does not disclose information related to the construction machine for rent including whether the construction machine is under course of negotiations and under course of or out of operation, as in independent Claim 17.

Claims 18-21 depend from independent Claim 17 and are patentable for at least the reasons discussed above as well as for the individual features they recite.

As no further issues are believed to remain outstanding in the present application, it is believed that this application is in condition for formal allowance and early and favorable action to that effect is therefore respectfully requested.

Respectfully submitted,

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